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AMERICAN CIVIL LIBERTIES UNION

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HASTINGS COLLEGE OF THE LAW, public
trust and institution of higher education duly
organized under the laws and the Constitution of
the State of California; FALLON VICTORIA, an
individual; RENE DENIS, an individual;
TENDERLOIN MERCHANTS AND
PROPERTY ASSOCIATION, a business
association; RANDY HUGHES, an individual;
and KRISTEN VILLALOBOS, an individual,

Plaintiffs,

v.

CITY AND COUNTY OF SAN FRANCISCO, a
municipal entity,

Defendants.

CASE NO. 4:20-CV-03033-JST

**MOTION FOR LEAVE TO FILE
BRIEF OF AMICUS CURIAE OF
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION OF
NORTHERN CALIFORNIA IN
SUPPORT OF THE MOTION FOR
INTERVENTION**

CASE NO. 4:20-CV-03033-JST
MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE AMERICAN CIVIL
LIBERTIES UNION FOUNDATION OF NORTHERN CALIFORNIA IN SUPPORT OF THE
MOTION FOR INTERVENTION

1 The American Civil Liberties Union Foundation of Northern California (“ACLU-NC”)
2 by and through undersigned counsel, respectfully moves for leave of court to file an amicus
3 curiae brief in the above captioned case. The proposed brief and exhibit are attached to this
4 motion. In support of this motion, *amicus* states the following:

5 Amicus has a strong interest in the issues before this Court. ACLU-NC is the regional
6 affiliate of the American Civil Liberties Union (“ACLU”), a nationwide, nonprofit, nonpartisan
7 organization with offices in San Francisco, Fresno, and Sacramento. Throughout its history, the
8 ACLU has been dedicated to preserving and protecting the principles of liberty and equality
9 embodied in the United States and California Constitutions and cognate federal and state statutes.
10 In California, the ACLU has represented people experiencing homelessness and defended their
11 right to live in their respective cities and continue to raise issues of great public interest and
12 constitutional significance with the courts, including the *Sanchez v. Caltrans*, No. RG16842117
13 (Cal. Super. Ct., County of Alameda, 2020); *Kincaid v. City of Fresno*, No. 06-CV-1445 (E.D.
14 Cal. 2008).

15 Amicus believe the information presented in the proposed brief will significantly aid the
16 Court in the resolution of the questions raised herein. As part of its mission, the ACLU-NC
17 represents unhoused individuals and coalitions that comprise individuals experiencing
18 homelessness. The organization also strives to further racial and economic justice in its policy
19 and legal advocacy. This includes filing cases on behalf of Black people and Black-led
20 organizations. Additionally, the organization is dedicated to working with and uplifting the
21 voices of transgender, gender variant, and intersex individuals of color. The organization has
22 specifically called out San Francisco along with other cities in Northern California for failing to
23 include Black voices, despite the disparate numbers of Black unhoused people in California. The
24 organization regularly communicates with cities regarding their policies for shelter space for
25 unhoused individuals.

1 The information and data presented in ACLU-NC's proposed brief will very likely not be
 2 presented by the existing parties, because existing parties have already filed opening briefs along
 3 with a proposed joint stipulation and none of which has examined the issues presented by
 4 amicus.

5 Mindful of the Court's limited judicial resources, ACLU-NC does not seek to intervene
 6 as a party or receive any oral argument time. ACLU-NC wishes merely to direct the Court to
 7 concrete factual matters bearing on the issues presented. Permitting ACLU-NC to file the
 8 attached brief will thus not prejudice any party or delay resolution of this matter.

9 Amicus is familiar with all the briefs that have been previously filed in this case. Amicus
 10 has experience with the legal issues of this case, and with the impact of shelter space for
 11 unhoused people, law enforcement's interaction with unhoused people, and how TGI and Black
 12 people will bear the brunt of these decisions in San Francisco. Amicus believe their experience in
 13 these issues will make their proposed brief of assistance to this Court in deciding the important
 14 issue raised. Amicus therefore respectfully request leave to file the attached *amicus curiae* brief
 15 presenting additional authorities and discussion in support of Petitioner's arguments.

16 WHEREFORE, ACLU-NC respectfully requests leave to file the attached *amicus curiae*
 17 brief.

18
 19 Dated: June 24, 2020

Respectfully submitted,

20 /s/ Abre' Conner

Abre' Conner

21 William S. Freeman

Armeta Rogers

22 AMERICAN CIVIL LIBERTIES UNION

23 FOUNDATION OF NORTHERN

CALIFORNIA